

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON**

SARA BROWN,

Plaintiff,

v.

**BROOKDALE SENIOR LIVING
COMMUNITIES, INC. and STACEY
ELLIOTT,**

Defendants.

Case No. 3:23-cv-78-YY

ORDER

Michael H. Simon, District Judge.

United States Magistrate Judge Youlee Yim You issued Findings and Recommendation in this case on April 24, 2023. ECF 16. Judge You recommended that this Court grant Defendant's Motion to Compel Arbitration, ECF 7, and dismiss this case. No party has filed objections.

Under the Federal Magistrates Act (Act), the court may "accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate." 28 U.S.C. § 636(b)(1). If a party objects to a magistrate judge's findings and recommendations, "the court shall make a de novo determination of those portions of the report or specified proposed findings or recommendations to which objection is made." *Id.*; Fed. R. Civ. P. 72(b)(3).

If no party objects, the Act does not prescribe any standard of review. *See Thomas v. Arn*, 474 U.S. 140, 152 (1985) (“There is no indication that Congress, in enacting [the Act], intended to require a district judge to review a magistrate’s report to which no objections are filed.”); *United States. v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003) (en banc) (holding that the court must review *de novo* magistrate judge’s findings and recommendations if objection is made, “but not otherwise”).

Although review is not required in the absence of objections, the Act “does not preclude further review by the district judge[] *sua sponte* . . . under a *de novo* or any other standard.” *Thomas*, 474 U.S. at 154. Indeed, the Advisory Committee Notes to Fed. R. Civ. P. 72(b) recommend that “[w]hen no timely objection is filed,” the court review the magistrate judge’s findings and recommendations for “clear error on the face of the record.”

No party having made objections, this Court follows the recommendation of the Advisory Committee and reviews Judge You’s Findings and Recommendation for clear error on the face of the record. No such error is apparent. Accordingly, the Court ADOPTS Judge You’s Findings and Recommendation, ECF 15. The Court GRANTS Defendant’s Motion to Compel Arbitration, ECF 7. Because “[g]eneral contract and agency principles apply in determining the enforcement of an arbitration agreement by or against nonsignatories,” *Mundi v. Union Sec. Life Ins. Co.*, 555 F.3d 1042, 1045 (9th Cir. 2009), and Defendant Stacey Elliott’s alleged acts were performed as the employee and agent of Defendant Brookdale Senior Living Communities, Inc., all of Plaintiff’s claims are subject to arbitration. Thus, the Court dismisses this case.

IT IS SO ORDERED.

DATED this 28th day of June, 2023.

/s/ Michael H. Simon
Michael H. Simon
United States District Judge